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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,401	12/01/2003	Shinzo Matsubara	008312-0307069	8880

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EXAMINER	
VUONG, QUOCHIEN B	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/724,401	MATSUBARA, SHINZO	
	Examiner	Art Unit	
	Quochien B. Vuong	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/01/2003, 01/25/2005, 07/26/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Saito et al. (JP 2002-247048 English Machine Translation).

Regarding claim 1, Saito et al. disclose a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001[), comprising: a transmission information holding unit configured to hold transmission information to be transmitted to the communication terminal; and a

transmission-right determination unit configured to determine that the transmission information is to be transmitted to the communication terminal with a transmission right being allocated thereto if the transmission information is held in the transmission information holding unit (paragraphs [0040]-[0059]).

As to claim 2, Saito et al. disclose wherein the transmission-right determination unit determines that the transmission right is to be transmitted to the communication terminal if the transmission information is not held in the transmission information holding unit (paragraphs [0040]-[0046]).

Regarding claim 3, Saito et al. disclose a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001]), comprising: a transmission information holding unit configured to hold transmission information to be transmitted to the communication terminal; an identification information storage unit configured to store identification information indicative of the communication terminal which desires acquisition of a transmission right; and a transmission-right determination unit configured to determine that the transmission information is to be transmitted to the communication terminal with the transmission right being allocated thereto if the identification information is stored in the identification information storage unit (paragraphs [0040]-[0059]).

As to claim 4, Saito et al. disclose wherein the transmission-right determination unit determines that the transmission right is to be transmitted to the communication terminal transmitting the identification information if the transmission information is not held in the transmission information holding unit (paragraphs [0040]-[0046]).

Regarding claim 5, Saito et al. disclose a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001]), comprising: a transmission information holding unit configured to hold transmission information to be transmitted to the communication terminal, a priority level being specified to the transmission information; an identification information storage unit configured to store identification information indicative of the communication terminal which desires acquisition of a transmission right; and a transmission-right determination unit configured indicative of the communication terminal which desires acquisition of a transmission right; and a transmission-right determination unit configured to determine that the transmission information is to be transmitted to the communication terminal with the transmission right being allocated thereto if the identification information is stored in the identification information storage unit (paragraphs [0040]-[0059]).

As to claim 6, Saito et al. disclose wherein the transmission-right determination unit determines whether identification information indicative of the communication terminal which desires acquisition of the transmission right is stored in the identification information storage unit if the transmission information with the high priority is not held, and determine that the transmission right is to be transmitted to the communication terminal if the identification information is stored (paragraphs [0040]-[0046]).

As to claim 7, Saito et al. disclose wherein the transmission-right determination unit determines that the transmission information is to be transmitted to the

communication terminal without allocating the transmission right thereto if the identification information indicative of the communication terminal which desires acquisition of the transmission right is not stored in the identification information storage unit (paragraphs [0040]-[0046]).

As to claim 8, Saito et al. disclose an information request unit configured to request the communication terminal of the transmission information to transmit information indicating that acquisition of the transmission right is desired, if the communication terminal does not indicate that acquisition of the transmission information is desired in the identification information storage unit (paragraphs [0040]-[0046]).

Regarding claim 9, Saito et al. disclose a communication control method for a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001]), comprising: causing the communication control apparatus to hold transmission information to be transmitted to the communication terminal; and determining that the transmission information is to be transmitted to the communication terminal with a transmission right being allocated thereto if the transmission information is held in the communication control apparatus (paragraphs [0040]-[0059]).

As to claim 10, Saito et al. disclose determining that the transmission right is to be transmitted to the communication terminal if the transmission information is not held in the communication control apparatus (paragraphs [0040]-[0046]).

Regarding claim 11, Saito et al. disclose a communication control method for a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001]), comprising: causing the communication control apparatus to hold transmission information to be transmitted to the communication terminal, and to store identification information indicative of the communication terminal which desires acquisition of a transmission right; and determining that the transmission information is to be transmitted to the communication terminal with the transmission right being allocated thereto if acquisition of the transmission right is desired (paragraphs [0040]-[0059]).

As to claim 12, Saito et al. disclose determining that the transmission right is to be transmitted to the communication terminal transmitting the identification information if the transmission information is not held in the communication control apparatus (paragraphs [0040]-[0046]).

Regarding claim 13, Saito et al. disclose a communication control method for a communication control apparatus which is connectable to a communication terminal through a network (see abstract and paragraph [0001]), comprising: causing the communication control apparatus to hold transmission information to be transmitted to the communication terminal, a priority level being specified to the transmission information, and to store identification information indicative of the communication terminal which desires acquisition of a transmission right; and determining that the transmission information is to be transmitted to a communication terminal with a

transmission right being allocated thereto if the transmission information with a high priority is held in the communication control apparatus (paragraphs [0040]-[0059]).

As to claim 14, Saito et al. disclose determining whether identification information indicative of the communication terminal which desires acquisition of the transmission right is stored in the communication control apparatus if the transmission information with the high priority is not held, and determine that the transmission right is to be transmitted to the communication terminal if the identification information is stored (paragraphs [0040]-[0046]).

As to claim 15, Saito et al. disclose determining that the transmission information is to be transmitted to the communication terminal without allocating the transmission right thereto if there is no communication terminal which desires acquisition of the transmission right (paragraphs [0040]-[0046]).

As to claim 16, Saito et al. disclose requesting the communication terminal of the transmission information to transmit information indicating that acquisition of the transmission right is desired, if the communication terminal does not indicate that acquisition of the transmission information is desired (paragraphs [0040]-[0046]).

Regarding claim 17, Saito et al. disclose a communication system to which a communication terminal and a communication control apparatus are connected through a network (see abstract and paragraph [0001]), the communication control apparatus comprising: a transmission information holding unit configured to hold transmission information to be transmitted to the communication terminal; and a transmission-right determination unit configured to determine that the transmission information is to be

transmitted to the communication terminal with a transmission right being allocated thereto if the transmission information is held in the transmission information holding unit, the communication terminal comprising: a communication control unit configured to recognize the transmission right transmitted from the communication control apparatus and control to transmit information to the communication control apparatus based on the transmission right (paragraphs [0040]-[0059]).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/
Primary Examiner, Art Unit 2618.
Mar. 30, 2008.